REMARKS/ARGUMENTS

The rejections presented in the Office action dated July 19, 2004 have been considered. Applicant has amended claims 1, 4, and 6 and added claims 7-10. Claims 1-10 are pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

The Applicant first notes the Allowable Subject Matter identified in paragraph 4 of the Office Action, indicating that Claims 4-6 are objected to, but allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicant thanks the Examiner for favorable consideration of these claims. Claims 4 and 6 have been rewritten in independent form, therefore Claims 4-6 are now in condition for allowance. Claim 5 is dependent from Claim 4 and is therefore also in condition for allowance. The Applicant notes that the amendments to Claims 4 and 6 are made simply to rewrite these dependent claims in independent form, and not for purposes of patentability. It is the intent of the Applicant that Claims 4 and 6 retain their original breadth and scope as originally filed. Thus, because the Examiner has indicated that Claims 4 and 6 are patentable but for their particular *format*, it is only the format that the Applicant has intended to change, and not the literal breadth or breadth under the doctrine of equivalents.

The Office Action indicated that claims 1-3 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,617,057 issued to *Kishigami* et al. (hereinafter *Kishigami*). The Applicant respectfully traverses the rejection.

According to MPEP §2131, a claim is anticipated under 35 U.S.C. §102(e) only if each and every element as set forth in the claim is found in a single prior art reference. The Applicant respectfully submits that *Kishigami* does not disclose each and every element of amended independent Claim 1, which was amended to facilitate prosecution of this application. More particularly, *Kishigami* at least fails to teach a message bit format having a data identifier that indicates both content and an inherent priority of the message. In *Kishigami*, the message frame format includes a single priority field (PRIORITY) that acts solely as an indicator of message priority. (col. 4, lines 49-50). *Kishigami* shows a data identifier (MESSAGE ID), however this data identifier is located at the end of the header region, right before the data (see. FIG. 3). Because of this location, the MESSAGE ID in

Kishigami cannot act as both a content and inherent priority of the message during bus collisions. In the message arrangement shown in *Kishigami*, the MESSAGE LENGTH and DESTINATION ID will act as first and second tier priorities, respectively, due to the location of these fields within the header. In contrast, the Applicant's invention includes both a priority field (PR) that indicates a high-level priority (see, e.g., FIG. 2 and title of the Application) and a DATA ID field that may be used to indicate both content and priority of the message. (see, e.g., FIG. 2 and p. 4, lines 10-15). The location of the DATA ID field in the Applicant's message header ensures that the DATA ID acts as an inherent priority due to the nature of bitwise arbitration described in the Applicant's Specification. The variable priority of the PR field is independent of the inherent priority of the DATA ID, at least because the fields occupy separate locations within the message header. For at least these reasons, the Applicant respectfully submits that Claim 1 is not anticipated by *Kishigami*, and is in condition for allowance.

Dependent Claims 2 and 3 are dependent from independent Claim 1. These dependent Claims were also rejected under 35 U.S.C. §102(e) as being unpatentable over *Kishigami*. While Applicants do not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are moot in view of the remarks made in connection with independent Claim 1. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 2 and 3 are also in condition for allowance.
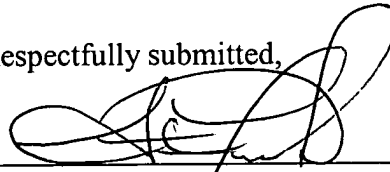
The Applicant has added dependent Claim 7 which is dependent from Claim 1, and therefore this claim is also in condition for allowance. The Applicant has also added new Claims 8-10. Independent Claim 8 is directed to a method for communicating between a plurality of nodes coupled to a serial data path. The method involves generating a message that includes a data identifier field indicating both a content and an inherent priority of the message. A high-level priority that is independent of the inherent priority is generated and inserted in the message. The cited references to not teach or suggest using at least a data message format with a high-level priority field and a data identifier that indicates both a content and an inherent priority of the message. For at least these reasons, Claim 8 is in

condition for allowance. Dependent Claims 9 and 10 are dependent from Claim 8 and include all of the limitations of the base claim and any intervening claims, and are also in condition for allowance.

Applicant respectfully submits that the pending claims are patentable over the cited prior art of record, and that the application is in condition for allowance. If the Examiner believes it necessary or otherwise helpful, the undersigned attorney of record may be contacted at (651) 686-6633 (x110) to discuss any issues related to this case.

Respectfully submitted,

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